

JUDGE SULLIVAN

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

08 CV 03322

RESEARCH IN MOTION LIMITED

Plaintiff,

-against-

BEYOND CELL INTERNATIONAL, JOHN
DOES 1-50; and XYZ BUSINESSES,

Defendant.

CIVIL ACTION NO. _____

DECLARATION OF
MARK N. MUTTERPERL

FILED UNDER SEAL

I, MARK N. MUTTERPERL, declare as follows, under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a partner of Fulbright & Jaworski L.L.P. and am counsel for plaintiff Research in Motion Limited ("RIM") in the captioned action.

2. This action seeks injunctive and other relief under various provisions of the Lanham Act, New York state statutes, and the common law, requiring defendants to, among other things, cease selling, offering for sale, and distributing hazardous counterfeit RIM BLACKBERRY batteries. Absent the immediate relief that RIM is seeking, (i) more counterfeit products are likely to be distributed to consumers, and (ii) important evidence concerning the

manufacture, sale and distribution of counterfeit RIM BLACKBERRY batteries may be destroyed.

3. This declaration and the other documents filed in support of RIM's *ex parte* motion have been kept confidential and will be filed under seal.

4. No previous application for this or any similar form of relief has been made.

5. I received from RIM's investigator, Joseph Aglione: Beyond Cell battery models BBB 6510, BBB 8100, BBB 8300, BBB 8700, and BBB 8800 (collectively referred to herein as "the Batteries").

6. We, in turn, forwarded the Batteries to RIM.

Executed on April 1, 2008


Mark N. Mutterperl